

REMARKS/ARGUMENTS

Pursuant to the Examiner's rejection of Claims 1 through 42 in the Office Action of March 30, 2004, Applicant respectfully requests reconsideration for allowance of such claims for the reasons set forth below.

In the Office Action the Examiner rejected Claims 1 through 9, 16, 17, 25 through 33 and 39 through 42 under 35 U.S.C. 101 as being directed to non-statutory subject matter. In the Office Action, the Examiner set forth the basis of the rejection stating that the recited steps of promoting intellectual property do not apply, involve, use or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The Examiner further stated that the steps only constitute an idea of how to select an insurance policy over another. Applicant respectfully submits that the subject matter of this application is not directed to an insurance policy but is directed to a method and system for promoting intellectual property.

For example, Claim 1 recites the steps of providing a host station having at least one database, the database including plural intellectual property items and a description of each item. Claim 1 further recites the step of accessing the database and selecting an intellectual property item by a consumer station, then accessing the description associated with the intellectual property item, then sending survey information from a consumer station to the host station and then accessing the survey information from an industry station to determine the interest in the selected intellectual property item. Applicant respectfully submits these steps are not capable of being carried out in the mind of the user of the method nor by use of pencil and paper, nor do the steps constitute an idea of how to select an insurance policy. The step of providing a host station having a database is clearly a physical act. The steps of accessing databases and descriptive information and survey

information, and sending survey information, are also clearly activities which cannot be performed in the mind of the user. Moreover, even if such steps were capable of being performed by the use of a pencil and paper, such activity is clearly within the realm of statutory subject matter as set forth by the requirements of 35 U.S.C. 101. The steps required in Claim 1 are clearly within the requirements of invention of a new and useful process as required by the statute.

With regard to Claims 2 through 9, 16 and 17, all depending directly or indirectly from Claim 1, these claims modify the steps set forth in Claim 1 or provide for further steps in the process required by Claim 1 and clearly fall within the requirements of 35 U.S.C. 101.

With regard to Claims 25 through 33, Claim 25, which is in independent form, recites a processor based system including a host station, means for selecting an intellectual property item, means for accessing a description associated with the selected intellectual property item, means for sending feedback data and means for accessing the feedback data. Claim 25 clearly sets forth a combination of elements, some of which are in means plus function recitation, and are clearly within the requirements of 35 U.S.C. 101. With regard to Claims 26 through 33, these claims depend directly or indirectly from Claim 25 and either further define the elements set forth in the system of Claim 25 or add additional elements to the overall combination of elements set forth in Claim 25. Applicant respectfully submits that the recitation of elements in the claims depending from Claim 25, as well as the recitation of elements in Claim 25, expressed as a means for performing a specified function, are clearly within the requirements of 35 U.S.C. 101 and 35 U.S.C. 112.

With regard to Claims 39 through 42, Claims 39 through 41 also depend from Claim 25 and also further define elements set forth in Claim 25 including the requirements of the host station as set forth in Claim 39, the requirements of the description of

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each intellectual property item as set forth in Claim 40 and the additional means plus function recitation in Claim 41 regarding means for selectively releasing at least one confidential information item.

With regard to Claim 42, this claim clearly recites a combination of elements in a processor based system for promotion of intellectual property in clearly permissible means plus function recitation. The claim also recites the elements of a host station having an Internet site and at least one database accessible at the Internet site.

Applicant respectfully submits that all of the claims pending in this application meet the requirements of 35 U.S.C. 101 and requests that the rejections under 35 U.S.C. 101 be withdrawn.

In the Office Action, the Examiner rejected Claims 1 through 42 under 35 U.S.C. 103(a) as being unpatentable over the teaching of U.S. Patent 4,603,232 to Kurland in view of U.S. Patent 6,233,564 to Schulze, Jr. The Examiner states that to have provided interest to buy a "selected intellectual property item" based upon survey information for the selected items of the Kurland reference would have been obvious to one of ordinary skill in the art in view of the teaching of the Schulze, Jr. reference. Reconsideration for allowance of Claims 1 through 42 is requested.

With regard to the teaching of the Kurland reference, this patent discloses a market survey data collection and survey dissemination method wherein various panelists or consumer stations (14, 16, 18, 20) are utilized to conduct a survey, the data for which is transmitted to a host computer (12). Kurland does not describe the particular type of market survey information to be conducted and makes no suggestion with respect to the provision of a plurality of intellectual property items on a database, each including a description of the item. Still further, the Kurland reference does not disclose or suggest the provision of an industry station or the step of accessing the

survey information from the industry station to determine the level of interest in certain ones of the intellectual property items residing on the host station, all as required by Applicant's Claim 1.

With regard to the teaching of the Schulze, Jr. reference, this patent is directed to a system which utilizes plural data gathering networks and wherein the obtained data is stored in a common database that is accessible for providing information about consumers in connection with targeting consumers for the purchase of certain products or services. There is no suggestion in Schulze, Jr. to provide an industry station which may access a database on a host station for storing information regarding plural intellectual property items, nor is there any suggestion to provide for accessing survey information from a so-called industry station to determine the level of interest in selected intellectual property items as determined by survey information. In at least these respects, Claim 1 is believed to distinguish over the teaching of Kurland and Schulze, Jr.

Claims 2 through 17 refer back to and further restrict Claim 1 and are believed to be patentable at least for the reasons set forth above in support of the patentability of Claim 1. Reconsideration for allowance of Claims 2 through 17 is also requested.

The method set forth in Claim 18 and the claims dependent thereon is believed to distinguish patentably over the teaching of Kurland as modified by Schulze, Jr. Neither of these references suggest a method of promoting intellectual property online by providing a host station including a database with a plurality of intellectual property items, a description of each item and at least one confidential description item associated with each description of each intellectual property item. Still further, neither of the references taken alone or in combination, suggest the steps of selecting an intellectual property item by an industry station connected to a host station and viewing at least one confidential description item from the

industry station whereby the at least one confidential description item is unavailable for view by the consumer station. Neither Kurland nor Schulze, Jr. suggest a system or process involving steps of providing a confidential description item and viewing the confidential description item from an industry station.

Claims 19 through 24 refer back to and further restrict Claim 18 and are believed to be patentable at least for the reasons set forth above in support of the patentability of Claim 18.

With regard to Claim 25, and the claims dependent thereon, Applicant respectfully submits that neither Kurland nor Schulze, Jr. disclose or suggest a processor based system for promotion of intellectual property, including a host station together with means for selecting an intellectual property item stored on the host station or a description associated with the selected intellectual property item. In particular, neither reference discloses or suggests means for accessing feedback data from an industry station to determine a degree of consumer interest in a selected intellectual property item for which data has been fed back from a consumer station to a host station.

Claims 26 through 41 refer back to and further restrict Claim 25 and are believed to be patentable at least for the reasons set forth above in support of the patentability of Claim 25.

The processor based system for promotion of intellectual property as set forth in Claim 42 is believed to be patentably distinguishable over the teaching of Kurland as modified by Schulze, Jr. or vice versa. As pointed out hereinabove with respect to the patentability of Claim 18, neither Kurland nor Schulze, Jr. suggest storing a description of an intellectual property item on a host station and wherein the description includes at least one general description item and at least one confidential description item. Neither Kurland nor Schulze, Jr. disclose or suggest means for viewing at least one confidential

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description item of a selected intellectual property item from an industry station so that at least one confidential description item associated with an intellectual property item is unavailable for view by a consumer station.

Applicant has continued to be diligent in an effort to advance the prosecution of this application by pointing out with particularity how the prior art of record throughout the protracted history of this application has failed to disclose or make obvious the invention claimed in Claims 1 through 42, which claims have been present in this application essentially unamended from a substantive point of view for a period of almost two years. Still further, Applicant verily believes that Claims 1 through 42, which have been in prosecution over this period of time, are clearly directed to subject matter which is capable of patent protection and conform to the requirements of 35 U.S.C. 101 and 35 U.S.C. 112. Reconsideration for allowance of Claims 1 through 42 is respectfully solicited.

Respectfully submitted,

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